

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

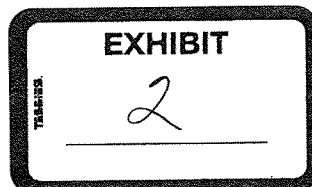
UNITED STATES OF AMERICA, *ex rel.* :
DILBAGH SINGH, M.D., PAUL KIRSCH, M.D., :
V. RAO NADELLA, M.D., and : Civil Action No. 04-186E
MARTIN JACOBS, M.D., :
: Relators, :
: v. :
BRADFORD REGIONAL MEDICAL CENTER, :
V & S MEDICAL ASSOCIATES, LLC, :
PETER VACCARO, M.D., :
KAMRAN SALEH, M.D., :
and DOES I through XX, :
: Defendants. :

**INITIAL DISCLOSURES OF DEFENDANTS V & S MEDICAL ASSOCIATES, LLC,
PETER VACCARO, M.D. and KAMRAN SALEH, M.D.,
PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Defendants V & S Medical Associates, LLC ("V & S"), Peter Vaccaro, M.D. ("Vaccaro"), and Kamran Saleh, M.D. ("Saleh") (collectively, the "V & S Defendants"), through their undersigned attorneys, make the following disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

PRELIMINARY STATEMENTS

1. These disclosures are based upon information presently known and/or available to counsel for the V & S Defendants. The V & S Defendants have not yet completed their investigation of the facts relating to this action, nor have they completed discovery or preparations for trial. The V & S Defendants reserve the right to rely on any facts, documents, witnesses, or evidence which may develop or come to their attention subsequent to these Initial Disclosures. The V & S Defendants reserve the right to supplement or amend these Initial Disclosures at any time prior to the trial of this action.



2. The V & S Defendants do not waive any objections that they may assert that documents or other materials are protected from discovery by reason of the attorney-client privilege and/or work product doctrine, or other privileges or immunities, or are protected from discovery because they reflect the impressions, conclusions, opinions, legal research or theories of their attorneys.

3. The V & S Defendants reserve the right to object to the discovery or admissibility of any evidence on any basis, consistent with the Federal Rules of Civil Procedure and the Federal Rules of Evidence, respectively. The V & S Defendants' disclosure of individuals and categories and locations of documents and things shall not constitute a waiver of any objections on the basis, *inter alia*: (i) that certain documents are not relevant or reasonably calculated to lead to the discovery of admissible evidence; (ii) that certain documents are not responsive to the Relators' discovery requests; (iii) that discovery sought by the Relators is unreasonably cumulative or duplicative or more easily obtained from some other source that is more convenient, less burdensome, or less expensive; (iv) that the burden or expense of discovery sought by the Relators outweighs its probative value; and (v) that the V & S Defendants are unable to produce certain witnesses or documents as being outside of their control.

INITIAL DISCLOSURES

1. Name, last known address and telephone number (if any) of individuals likely to have discoverable information that the V & S Defendants may use to support their defenses and claims in these proceedings:

- a. Peter Vaccaro, M.D.
V & S Medical Associates, LLC
24 West Washington Street
Bradford, PA 16701

Information regarding the equipment sublease between V & S and Bradford Regional Medical Center ("BRMC") and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

- b. Kamran Saleh, M.D.
V & S Medical Associates, LLC
24 West Washington Street
Bradford, PA 16701

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

- c. George Leonhardt
Bradford Regional Medical Center
116 Interstate Parkway
Bradford, PA 16701
(814) 368-4143

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

- d. Dilbagh Singh, M.D.
6 North Center Street
Bradford, PA 16701
(814) 368-7000

Information regarding claims made in Relators' Complaint.

- e. Paul Kirsch, M.D.
1223 East Main Street
Bradford, PA 16701
(814) 368-5402

Information regarding claims made in Relators' Complaint.

- f. V. Rao Nadella, M.D.
6 North Center Street
Bradford, PA 16701
(814) 368-7000

Information regarding claims made in Relators' Complaint.

- g. Martin Jacobs, M.D.
125 Main Street
Suite 205
Bradford, PA 16701
(814) 368-7154

Information regarding claims made in Relators' Complaint.

- h. Charles T. Day
Senior Vice President Finance & Treasurer
Sioux Valley Hospitals and Health System
1305 W. 18th Street
Sioux Falls, SD 57105
(605) 333-6569

Information regarding the fair market value of amounts paid by BRMC to V & S pursuant to the equipment sublease.

- i. Susan Stowell
Consultant
Stroudwater Associates
443 Congress Street
Portland, ME 04101
(207) 756-6090

Information regarding the fair market value of amounts paid by BRMC to V & S pursuant to the equipment sublease.

- j. Marc E. Voyvodich
Chairman and CEO
Stroudwater Associates
443 Congress Street
Portland, ME 04101
(207) 756-6090

Information regarding the fair market value of amounts paid by BRMC to V & S pursuant to the equipment sublease.

- k. Alan J. Steinberg, Esq.
Horty, Springer & Mattern, P.C.
4614 Fifth Avenue
Pittsburgh, PA 15213
(412) 687-7677

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

- l. Marc S. Raspanti, Esq.
Miller, Alfano & Raspanti, P.C.
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 972-6400

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

m. Jodeen M. Hobbs, Esq.
Miller, Alfano & Raspanti, P.C.
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 972-6400

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

n. Kevin Raphael, Esq.
Miller, Alfano & Raspanti, P.C.
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 972-6400

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

o. Edward J. Kabala, Esq.
Fox Rothschild LLP
625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
(412) 391-1334

Information regarding the equipment sublease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

p. Representatives from G. E. Healthcare Financial Services
P.O. Box 414 W-490
Milwaukee, WI 53201

Information regarding the lease of nuclear imaging equipment by V & S and BRMC.

- q. Representatives of Philips Medical Capital
1111 Old Eagle School Road
Wayne, PA 19087
(866) 514-4762

Information regarding the lease of nuclear imaging equipment by V & S and BRMC.

- r. Richard McDowell, Ph. D.
Board Chairman
President Emeritus
University of Pittsburgh at Bradford
300 Campus Drive
Bradford, PA 16701
(814) 362-5020

Information regarding BRMC's Policy on Physicians with Competing Interests and related credentialing issues.

- s. Other present or former employees or Board of Director Members of Bradford Regional Medical Center.

Information regarding the equipment lease between V & S and BRMC and negotiations related thereto, BRMC's Policy on Physicians with Competing Interests and related credentialing issues, and other matters related to the claims of Relators and/or defenses of the V & S Defendants.

- t. All witnesses identified in Plaintiffs' Rule 26(a) Disclosures.
- u. All witnesses identified in BRMC's Rule 26(a) Disclosures.
- v. Witnesses identified in the documents produced by the parties.
- w. Any expert or other witnesses who will be subsequently disclosed by Defendants or Relators.

2. The V & S Defendants possess, *inter alia*, the following categories of documents, data compilations and tangible things that they may use to support their claims and/or defenses in this action:

- a. Correspondence, including letters, faxes and e-mails;
- b. Agreements, leases, and drafts thereof;
- c. Financial and Accounting Records;
- d. Invoices/Billing Statements/Payment Records/Claims Forms, including, but not limited to claims for payment from Medicare, Medicaid and CHAMPUS submitted by the V & S Defendants;
- e. Other documents relating to the lease of nuclear imaging equipment by BRMC and V & S;
- f. Other documents relating to BRMC's Policy on Physicians with Competing Interests and credentialing issues; and
- g. Other documents relating to an Under Arrangement Proposal regarding diagnostic imaging.

These documents originate from and are located at the offices of V & S Medical Center, located at 24 West Washington Street, Bradford, PA 16701. Additional documents are located in the offices of counsel for the V & S Defendants.

3. No damages are presently claimed by the V & S Defendants.

4. The V & S Defendants are unaware of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Respectfully submitted,

Dated: November 21, 2006

By:



Jay D. Marinstein, Esquire

PA I.D. No. 53163

Carl J. Rychcik, Esquire

PA I.D. No. 73754

FOX ROTHSCHILD LLP

625 Liberty Avenue, 29th Floor

Pittsburgh, PA 15222

(412) 391-1334

jmarinstein@foxrothschild.com

crychcik@foxrothschild.com

Counsel for Defendants,

V & S Medical Associates, LLC,

Peter Vaccaro, M.D. and Kamran Saleh, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Initial Disclosures of Defendants V & S Medical Associates, LLC, Peter Vaccaro, M.D. and Kamran Saleh, M.D., Pursuant to Fed. R. Civ. P. 26(a)(1) was served on each of the following attorneys via First Class Mail, postage prepaid, on this 21st day of November, 2006:

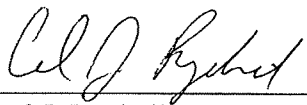
Andrew M. Stone, Esquire
Stone & Stone
828 Frick Building
437 Grant Street
Pittsburgh, PA 15219

Daniel M. Mulholland, III, Esquire
Henry M. Casale, Esquire
Horty, Springer & Mattern, P.C.
4614 Fifth Avenue
Pittsburgh, PA 15213

G. Mark Simpson, Esquire
Simpson Law Firm, LLC
165 North Main Street
Jonesboro, GA 30236

Robert L. Eberhart, Esquire
United States Attorney's Office
Civil Division
USPO & Courthouse
Pittsburgh, PA 15219

Michael Granston, Esquire
U.S. Department of Justice
Commercial Litigation Branch
P.O. Box 261
Ben Franklin Station
Washington, DC 20044



Carl J. Rychcik